

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  

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**for AUGUST 3, 2005 PLANNING COMMISSION MEETING**

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROJECT #:** Change of Zone No. 05049 and Use Permit 97A

**PROPOSAL:** Change of Zone from O-3 Office Park District to B-2 Planned Neighborhood Business District and an amendment to the Use Permit to change the land use table and request a waiver to the front yard setback.

**LOCATION:** Red Rock Lane and S. 56<sup>th</sup> Street

**LAND AREA:** 4.4 acres, more or less

**CONCLUSION:** The Change of Zone is in conformance with the Comprehensive Plan. The Use Permit is compatible with the surrounding land use. The setback waiver is acceptable with the additional landscape screening.

**RECOMMENDATION:**

Change of Zone	Approval
Use Permit	Conditional Approval

**WAIVERS**

Front Yard Setback	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Change of Zone: Lots 1-4, Aspen 19<sup>th</sup> Addition, located in the NE 1/4 of Section 20, Township 9 North, Range 7 East, Lancaster County, Nebraska

Use Permit: Lot 1, Block 1, Aspen 4<sup>th</sup> Addition; Outlot "B", Block 2, Aspen 4<sup>th</sup> Addition; Lots 1-4, Aspen 19<sup>th</sup> Addition, located in the NE 1/4 of Section 20, Township 9 North, Range 7 East, Lancaster County, Nebraska

**EXISTING ZONING:** O-3-Office Park District and B-2-Planned Neighborhood Business

**EXISTING LAND USE:** Undeveloped and Post Office

**SURROUNDING LAND USE AND ZONING:**

North: B-2-Planned Neighborhood Business	Undeveloped
South: P-Public	Water Tower
East: B-3-Commercial	Campbell's Nursery
West: O-3-Office Park	Post Office

**HISTORY:**

- May 26, 2005            Administrative Amendment #05052 to Use Permit #97 to revise the lot layout for Lots 7-10 was approved by the Planning Director.
- Aug 16, 2004            Use Permit #04001, Special permit #1713C and Change of Zone #04035, Aspen 3<sup>rd</sup> Addition, to develop 110,000 sq. ft. of medical/office space and wellness center at S. 56<sup>th</sup> St. and Stephanie Lane was approved by City Council.
- Dec 17, 2003            Administrative Amendment #03083 to revise the site plan was approved by the Planning Director.
- Dec 10, 2003            Change of Zone #3429, Special Permit #1713B and Use Permit #155 were recommended for approval to City Council at Planning Commission. The projects were subsequently withdrawn.
- July 8, 2002            Use Permit 141, Thompson Creek, located southeast of S. 56<sup>th</sup> St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.
- April 17, 2000            Special Permit 1713A, Aspen 3<sup>rd</sup> Addition CUP to adjust the front yard setback was approved by City Council.
- June 22, 1998    Use Permit 112 to construct a 30,000 s.f. office building at the northwest corner of S. 56<sup>th</sup> St. & Pine Lake Rd. was approved by City Council.
- March 2, 1998            Special Permit 1713, Aspen 3<sup>rd</sup> Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3<sup>rd</sup> Addition was approved by City Council.
- June 16, 1997    Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2<sup>nd</sup> Addition for 7 commercial lots and two outlots was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

The Land Use Plan identifies this area as commercial. (F-25)

Based on the projected sector-by-sector employment growth rates, the Plan identifies the demand for approximately 21.5 million square feet of new space for retail, office and service uses over the next twenty five years. In general this is split between three major activity categories: retail uses near 7.37 million square feet; office uses at about 6.35 million square feet; and service uses approaching 7.75 million square feet. (F-37)

**UTILITIES:** All utilities are available to serve this development.

**TRAFFIC ANALYSIS:** S. 56<sup>th</sup> St. and Pine Lake Rd. are arterial streets.

**ANALYSIS:**

1. This is a request for a change of zone from O-3 Office Park to B-2 Planned Neighborhood Business and an amendment to the Use Permit to adjust the land use table and front yard setback.
2. The proposed change of zone area abuts B-2 to the north and B-3 to the east across S. 56<sup>th</sup> St.
3. The O-3 district requires a special permit for restaurants, motels/hotels and clubs whereas, the B-2 district does not require a special permit for these uses.
4. The applicant is requesting a waiver to the front yard setback from 50' to 40' along S. 56<sup>th</sup> St. and 50' to 20' along Red Rock Lane. The buildings along Red Rock Lane are set back more than 50' however, the site plan shows parking within the front 50'. Parking is not allowed within the front yard in the B-2 district. Planning does not object to the waiver if additional landscape screening is provided along Red Rock lane and S. 56<sup>th</sup> St. The additional landscape screening shall include parking lot trees at 1 per 6,000 s.f. of paved area and the side of the parking lot adjacent to a street shall be screened at least 90% from two feet (2') to four feet (4') above the surface of the lot. these are standards in the proposed "streetscape" amendments on the Planning Commission's pending list, where setbacks are reduced in exchange for more effective screening and landscaping.
5. The applicant is also requesting waivers to the side and rear yard setbacks. These setbacks are not required. The B-2 district has a 0 setback unless it abuts a residential district. The subject area abuts O-3 and P zoning districts.
6. The original Aspen Use Permit #97 approved a waiver to the front yard setback along Pine Lake Rd. from 50' to 40'.
7. The site plan is identical to what was approved with Administrative Amendment #05052. The new use permit is required because of the request to waive the front yard setback. The site plan notes that drive-thru restaurants and gas/convenient stores shall be prohibited on Lots 7-10.

**USE PERMIT**

**CONDITIONS OF APPROVAL:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Delete the waivers to rear and side yard setbacks in note 20.

1.1.2 Revise the landscape plan to meet the additional required landscape screening. The additional landscape screening shall be one parking lot tree at 1 per 6,000 s.f. of paved area and the side of the parking lot adjacent to a street shall be screened at least 90% from two feet (2) to four feet (4) above the surface of the lot.

1.1.3 Label Lot 8 on the site plan "Office/Restaurant"

2. This approval permits ( 104,000 Sq.ft. of commercial use and a waiver to the front yard along S. 56<sup>th</sup> St. from 50' to 40' and along Red Rock Lane from 50' to 20'.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

**STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka  
Planner

**DATE:**

**APPLICANT:** Brian Carstens  
601 Old Cheney Rd. Suite "C"  
Lincoln, NE 68512  
(402) 434-2424

**OWNER:** Aspen  
William Krein  
4750 Normal Blvd. Suite 3  
Lincoln, NE 68506  
(402) 323-8200

**CONTACT:** same as applicant



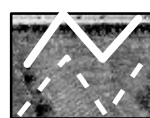
## Change of Zone #05049 S. 56th & Pine Lake Rd. Aspen 3rd Addition

2005 aerial

### Zoning:

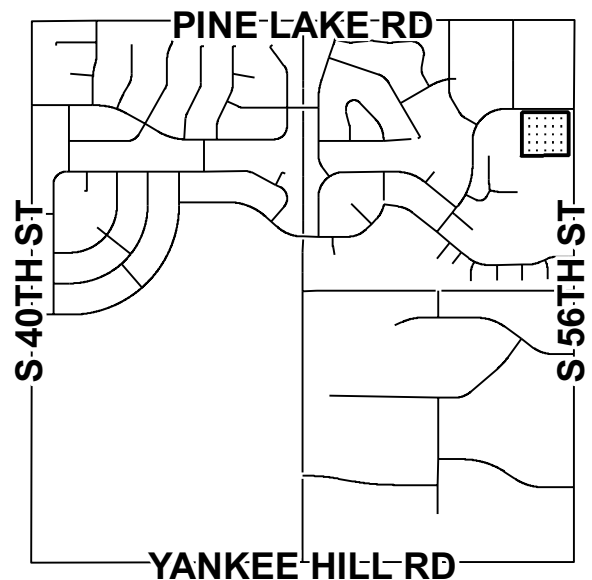
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 20 T9N R7E



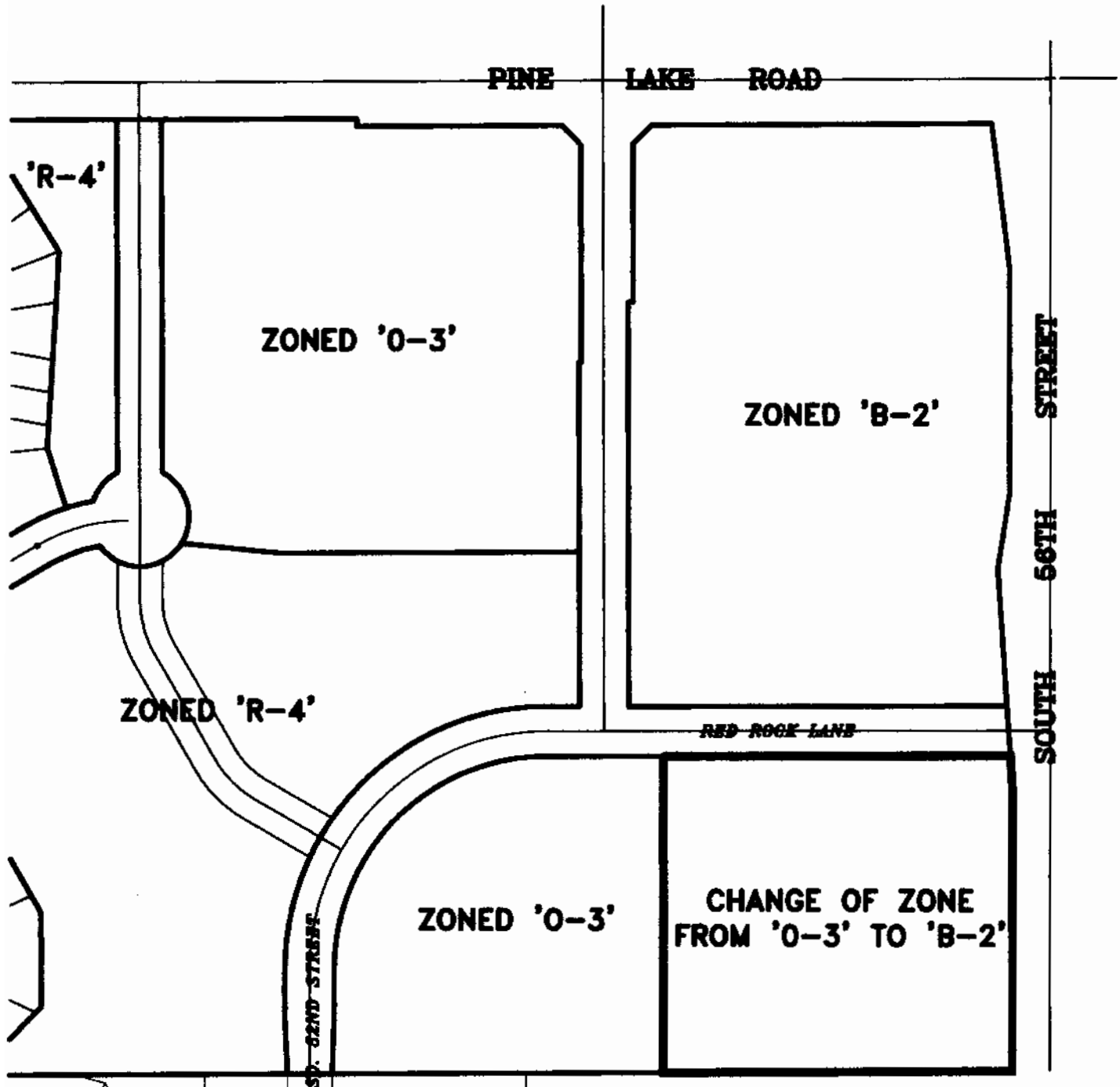
Zoning Jurisdiction Lines

City Limit Jurisdiction



# CHANGE OF ZONE EXHIBIT

FOR  
ASPEN 3RD ADDITION



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PLANNING DEPARTMENT



SCALE: NONE

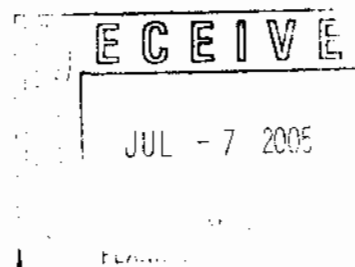
# CHANGE OF ZONE from 'O-3' to 'B-2'

## LEGAL DESCRIPTION:

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1, 2, 3 & 4, Aspen 19th Addition located in the N.E. 1/4 of Section 20, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southeast corner of Lot 4, Aspen 19th Addition;  
thence S. 89°42'18" W., for a distance of 456.99 feet;  
thence N. 00°07'00" W., for a distance of 420.41 feet;  
thence N. 89°53'00" E., for a distance of 431.99 feet;  
thence S. 45°07'01" E., for a distance of 36.36 feet;  
thence S. 00°07'01" E., for a distance of 418.98 feet to the Point  
of Beginning and containing a calculated area of 4.40 acres more or  
less.







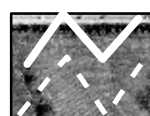
# **Use Permit #97A** **S. 56th & Pine Lake Rd.** **Aspen 3rd Addition**

2005 aerial

## **Zoning:**

R-1 to R-8	Residential District
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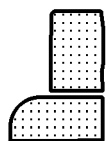
One Square Mile  
 Sec. 20 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

PINE LAKE RD

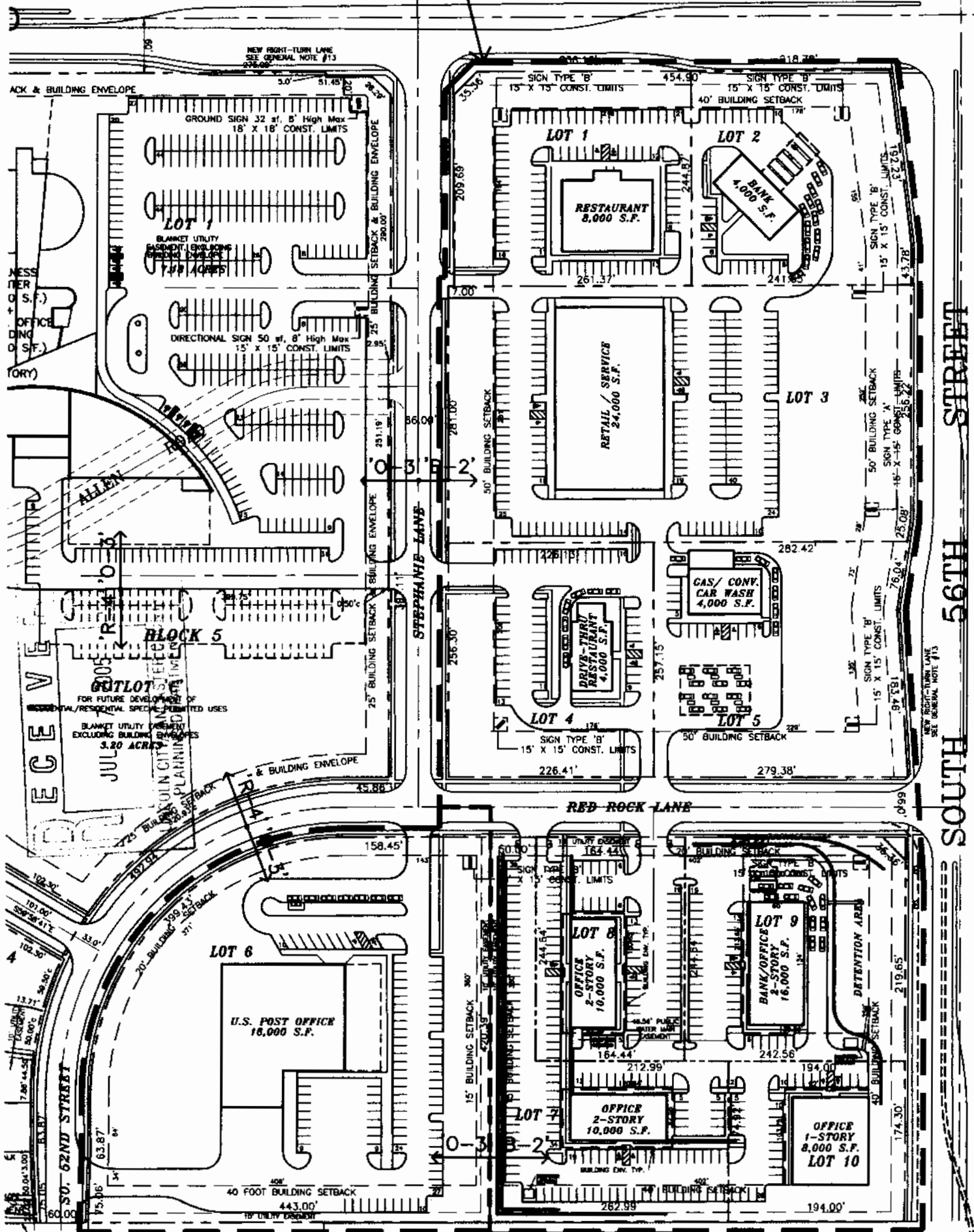


S 40TH ST

S 56TH ST

YANKEE HILL RD

## LIMITS OF USE PERMIT #97A



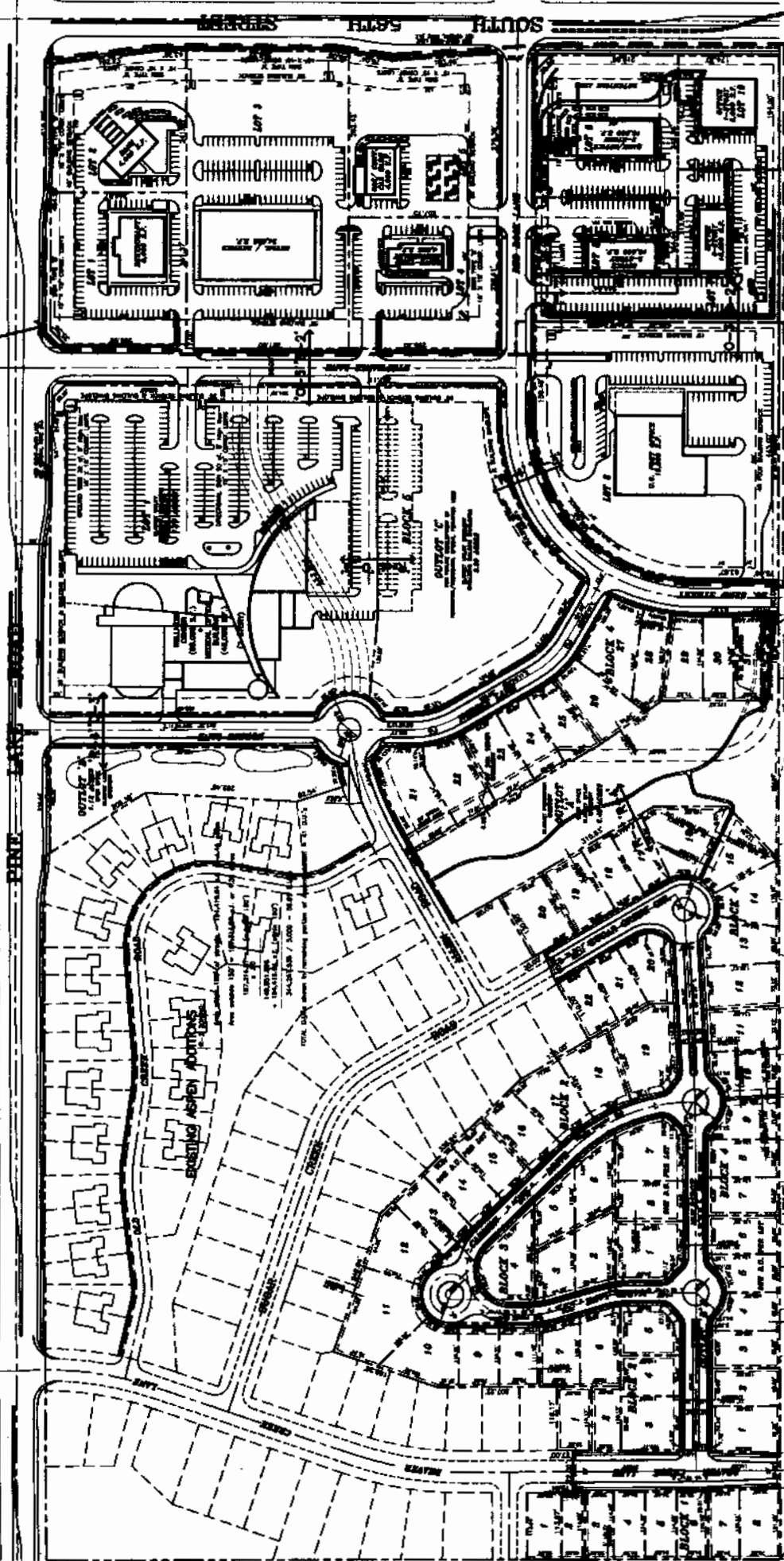
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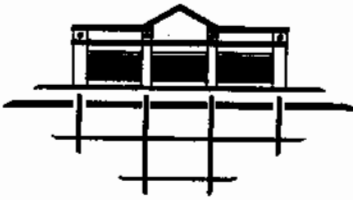
LINCOLN CITY/LANCASTER CO. CO  
PLANNING DEPARTMENT

ASPEN 3RD ADDITION  
USE PERMIT #97A

LIMITS OF USE PERMIT #97A







# BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 6, 2005

Mr. Marvin Krout, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: ASPEN- USE PERMIT #97A/ CHANGE OF ZONE FROM 'O-3' TO 'B-2'  
SOUTH 56<sup>TH</sup> AND PINE LAKE ROAD

Dear Marvin,

On behalf of Aspen, we submit a change of zone and associated use permit for your review. Bill Krein has recently sold and 'closed' the proposed bank site on the southwest corner of South 56<sup>th</sup> and Red Rock Lane. Construction of the two story bank/ office building will commence later this summer.

Bill Krein has been approached by 2 different potential users to locate in the same area south of Red Rock Lane. One is a salad and soup restaurant, a new idea, locally owned, and an existing bakery in south Lincoln would like to locate another location in Aspen. However, the site is zoned 'O-3' and these uses are not permitted.

Thus, our request for a change of zone from 'O-3' to 'B-2'. Please note that the site plan will not change, only the permitted uses will be changed. We have excluded fast food restaurants with drive-thru's as well as gas/ convenience stores from the area of the change of zone and revised use permit.

Also, the neighboring Aspen residents are anxious about having these services in their neighborhood.

Please contact me if you have any further questions.

Sincerely,

  
Brian D. Carstens

Enclosures: 24 copies of sheet 1 of 5  
8 copies of sheets 2 thru 5 of 5  
Application for a Change of Zone  
Application for a Use Permit  
Application Fees of \$1,480.00  
Certificate of Ownership

